## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA	)	
	)	Case No. 1:10CR00026
v.	)	OPINION AND ORDER
RONALD WADE SMITH, ET AL.,  Defendants.	)	By: James P. Jones
	)	United States District Judge

Sharon Burnham, Assistant United States Attorney, Roanoke, Virginia, and Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia, for United States. T. Shea Cook, T. Shea Cook PC, Richlands, Virginia, for Third-Party Petitioner Charles Duty.

In this long-running ancillary forfeiture proceeding, I first determined that the government was entitled to the forfeiture of an equitable lien held by Charles Duty, the third-party claimant. *United States v. Smith*, No. 1:10CV00026, 2012 WL 2116405 (W.D. Va. June 11, 2012). I then resolved two additional questions raised by the government, holding that the government was entitled to the benefit of any further appreciation in the value of the property subject to the lien, but that the property subject to the lien did not include the adjoining land. *United States v. Smith*, No. 1:10CV00026 (W.D. Va. Aug. 13, 2012).

The government now requests that the value of its lien be increased as shown by the tax assessed value. I agree and will provide in the final order of

forfeiture that the value of the lien be described as "\$242,877.96 or the real estate

tax assessed value of the dwelling at 1059 Crossing Road, Vansant, Virginia,

Account No. 12564-1, and the in-ground pool, whichever is greater."

government has shown that the tax assessed value is an appropriate method of

determining the increase in value.

The government also requests that the court further provide in connection

with the lien that the third-party claimant Duty keep the property insured, that the

United States be named as an additional insured, and that Duty pay the real estate

taxes on the property. I agree that these provisions are reasonable.

It is so **ORDERED**.

ENTER: September 26, 2012

/s/ James P. Jones

United States District Judge

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